

A P P E A R A N C E D O C K E T

1/14/1994 STATE'S RESPONSE TO DEFENDANT'S DEMAND
FOR DISCOVERY
206 1/14/1994 ENTRY OF CONTINUANCE
6/6/94
1/24/1994 OPPOSITION TO DEFENDANT'S MOTION TO
EMPLOY PSYCHOLOGIST
98 1/31/1994 ENTRY
APPOINTING MITIGATION SPECIALIST
261 2/04/1994 ENTRY OF CONTINUANCE
2/24/94
3/28/1994 MOTION
TO COMPEL DISCLOSURE OF PROSECUTING
ATTORNEY'S JURY SELECTION DATA,
3/28/1994 MOTION
FOR INDIVIDUAL SEQUESTERED VOIR DIRE,
3/28/1994 MOTION
FOR A RULING ON NUMBER OF PEREMPTORY
CHALLENGES,
3/28/1994 MOTION
TO HAVE REASONS FOR DEFENSE OBJECTING
AND REASONS FOR OVERRULING DEFENSE
OBJECTIONS PLACED ON RECORD,
3/28/1994 MOTION
TO COMPEL PROSECUTING ATTORNEY TO
DISCLOSE DEATH PENALTY DATA
3/28/1994 MOTION
TO COMPEL LAW ENFORCEMENT OFFICIALS TO
TURN OVER ADVISE PROSECUTING ATTORNEY
OF ALL INFORMATION ACQUIRED DURING
COURSE OF INVESTIGATION,
3/28/1994 MOTION
FOR AN ORDER TO ALLOW DEFENSE TO VIEW
CRIME SCENE,
3/28/1994 MOTION
FOR SEQUESTRATION OF JURORS FOR
DURATION OF TRIAL,
3/28/1994 MOTION
FOR WRITTEN JURY INSTRUCTION AND
OPPORTUNITY TO REVIEW,
3/28/1994 MOTION
IN LIMINE TO EXCLUDE REFERENCES TO
DEFENDANT'S CRIMINAL RECORD,
3/28/1994 MOTION
IN LIMINE TO LIMIT PROSECUTOR'S ARGUMENT
TO THE AGGRAVATING CIRCUMSTANCE PROVEN
AT THE GUILT PHASE,
3/28/1994 MOTION
FOR COMPREHENSIVE VOIR DIRE,
3/28/1994 MOTION
IN LIMINE TO PROHIBIT DISPLAY OF
EVIDENTIARY EXHIBIT UNTIL PROFFERED,
3/28/1994 MOTION
TO INSULATE THE VENUE AND JURY,
3/28/1994 MOTION
FOR DISCLOSURE OF WITNESS STATEMENTS
PRIOR TO TRIAL,
3/28/1994 MOTION
TO PROHIBIT DEATH- QUALIFICATION OF
JURY, IN THE ALTERNATIVE, IF
NECESSARY TO SEAT A SEPARATE JURY
DURING PENALTY PHASE OF TRIAL,
3/28/1994 REQUEST FOR NOTICE OF INTENT TO USE
EVIDENCE,
3/28/1994 MOTION
TO SUBMIT JURY QUESTIONNAIRE,
3/28/1994 MOTION
TO REQUIRE THE JURY TO ARTICULATE THE
METHOD BY WHICH IT WEIGHS THE
AGGRAVATING AGAINST THE MITIGATING
CIRCUMSTANCES,

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3/28/1994 MOTION
TO ALLOW THE DEFENSE TO ARGUE FIRST
AND LAST AT THE MITIGATION PHASE,
3/28/1994 MOTION
TO PROHIBIT REFERENCES TO THE JURY
THAT A VERDICT AS TO DEATH IS ONLY A
RECOMMENDATION
3/28/1994 MOTION
TO PROPERLY PRESERVE AND CATALOG ALL
PHYSICAL EVIDENCE,
3/28/1994 MOTION
TO INSTRUCT THE JURY TO CONSIDER MERCY
IN THEIR MITIGATION PHASE DELBERATIONS
3/28/1994 MOTION
TO PROHIBIT PROSECUTOR FROM ARGUING,
AND THE COURT FROM GIVING INSTRUCTIONS
REGARDING STATUTORY MITIGATING FACTORS
NOT RAISED BY THE DEFENSE,
4/06/1994 SUBPOENA FOR WITNESS ISSUED TO
CLEMY LEE NATALIE LEE ANDRE GIFFIN
RICARDO LEE CLARENCE CODY LASHAWNDA
LEE SANCHEZ LEE ROBERT WILLIAMS
KENNETH TAYLOR ANITA ARTIS
4/06/1994 SUBPOENA FOR WITNESS ISSUED TO
PATRICIA FARR DARION LEE JAMIE WRIGHT
ARLENE BENNETT DWIGHT HILL TIMOTHY
SCHOPMEYER
4/06/1994 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS KAREN HUDSON
4/08/1994 ENTRY ORDERING
RELEASE OF RECORDS
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
FCLARENCE CODY,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLEMY LEE,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANDRE GIFFIN,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ARLENE BENNETT,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANITA ARTIS,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
TOMOTHY SCHOPMEYER,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
PATRICIA EARR,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
DARION LEE,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ROBERT WILLIAMS,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
KENNETH TAYLOR,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
SANCHEZ LEE,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
LASHAWNDA LEE,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
RICARDO LEE,

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4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
NATALIE LEE,
4/08/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
DWIGHT HILL,
4/11/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
JAMIE WRIGHT,
4/15/1994 MOTION
TO SUPPRESS EVIDENCE INCLUDINGBUT NOT
LIMITED TO STATEMENTS AND PHYSICAL
EVIDENCE ON THE GROUNDS THAT IT WAS
ILLEGALLY OBTAINED
4/15/1994 MOTION
IN LIMINE TO PROHIBIT ANY EVIDENCE
BEARING ON THE CHARCTER OF THE VICTIM
4/15/1994 MOTION
TO EMPLOY EXPERTS AND AUTHORIZE
PAYMENT OF FEES OF SAME
59 4/19/1994 ENTRY
AUTHORIZING APPOINTMENT OF EXPERT AND
PAYMENT OF FEES FORSAME
61 4/19/1994 ENTRY WITHDRAWING
JURY DEMAND & REQUESTING THREE-JUDGE
PANEL
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
IN LIMINE TO PROHIBIT ANY EVIDENCE
BEARING ON THE CHARACTER OF THE VICTIM
4/25/1994 STATE'S RESPONSE TO DEFENDANTSMOTION
TO ALLLOW DEFENSE TO VIEW CRIME SCENE
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
FOR WRITTEN JURY INSTRUCTION
4/25/1994 STATE'S RESPONSE TO DEFENDANTSMOTION
TO PRESERVE AND CATALOGALL PHYSICAL
EVIDENCE
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO COMPEL PROSECUTOR TO DISCLOSE DEATH
PENALTY DATA
4/25/1994 STATE'S RESPONSE TO DEFENSE MOTION TO
ALLOW DEFENSE TO ARGUE FIRST AND LAST
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO REQUIRE THE JURY TO ARTICULATE THE
METHOD BY WHICH IT WEIGHS THE
AGGRAVATING CIRCUMSTANCES AGAINST THE
MITIGATING FACTORS
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO HAVE REASONS FOR DEFENSE
OBJECTIONSAND REASONS FOR OVERRULING
DEFENDANT'S OBJECTIONS PLACED OF RECORD
4/25/1994 STATE'S RESPONSE TO MEMORANDUMFOR
SEQUESTRATION OF JURORS FOR DURATION
OF TRIAL
4/25/1994 STATE'S RESPONSE TO MOTION TO COMPEL
DISCLOSURE OF PROSECUTING ATTORNEY'S
JURY SELECTION DATA
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO INSULATE THE VENIRE AND JURY
4/25/1994 STATE'S RESPONSE TO MOTION RULING ON
NUMBER OF PEREMPTORYCHALLENGES
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO PROHIBITDISPLAY OF EVIDENTIARY
EXHIBITS UNTIL ADMITTED
4/25/1994 STATE'S REPLY TO DEFENDANT'S MOTION TO
PROHIBIT DEATH QUALIFICATION OF JURY
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO EXCLUDE REFERENCES TO DEFENDANT'S
CRIMINAL RECORD AND TO EXCLUDEANY
EVIDENCE RELATING TO
OTHERCRIMES,WRONGS OR ACTS

A P P E A R A N C E D O C K E T

4/25/1994 STATE'S REPLY IN OPPOSITION TO THE
DEFENDANT'S MOTION FOR DISCLOSING
WITNESS STATEMENTS PRIOR TO TRIAL
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
FOR INDIVIDUAL SEQUESTERED VOIR DIRE
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO COMPEL LAW ENFORCEMENT OFFICIALS TO
TURN OVER AND ADVISE PROSECUTING
ATTORNEY OF ALL INFORMATION ACQUIRED
DURING THE COURSE OF INVESTIGATION
4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION
TO PROHIBIT REFERENCES TO THE JURY
THAT A VERDICT AS TO DEATH IS ONLY A
RECOMMENDATION
4/25/1994 STATE'S RESPONSE TO DEFENDANT'S MOTION
TO PROHIBIT THE PROSECUTOR FROM
ARGUING AND THE COURT FROM GIVING
INSTRUCTIONS REGARDING STATUTORY
MITIGATING FACTORS NOT RAISED BY THE
DEFENSE
4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION
TO LIMIT PROSECUTOR'S ARGUMENT TO THE
AGGRAVATING CIRCUMSTANCES PROVEN AT
THE FIRST PHASE
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FOR COMPREHENSIVE VOIR DIRE
4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION
TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE
JURORS
4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION
TO APPOINT NEUROPSYCHOLOGIST
4/25/1994 STATE'S RESPONSE TO DEFANDANT'S MOTION
TO INSTRUCT THE JURY TO CONSIDER MERCY
IN ITS MITIGATION PHASE DELIBERATIONS
4/29/1994 MOTION
TO DISMISS AGGRAVATED
BURGLARY(2911 11,R C)SPECIFICATION 2
TO COUNT 1 SPECIFICATION 2 TO COUNT 2
187 5/05/1994 STATE'S RESPONSE TO MOTION TO DISMISS
5/06/1994 CERTIFICATION BY TRIAL ATTYS- DEATH
PENALTY CASE JURY WAIVER
74 5/09/1994 ENTRY OF CONTINUANCE
8/15/94
9 5/26/1994 ENTRY
AUTHORIZING APPOINTMENT OF EXPERT AND
PAYMENT OF FEES FORSAME
167 5/27/1994 ENTRY OF CONTINUANCE
6/16/94
170 6/16/1994 ENTRY OVERRULING MOTION TO SUPPRESS
7/20/1994 SUBPOENA FOR WITNESS ISSUED TO
CLEMY LEE, NATALIE LEE, ANDRE GRIFFIN,
RICHARDO LEE, CLARENCE CODY, LASHAWNDA
LEE, SANCHEZ LEE, ROBERT WILLIAMS,
KENNETH TAYLOR, ANITA ARTIS, PATRICIA
CARR, DANTOINE POSEY,JAMIE WRIGHT,
ARLENE BENNETT, DWIGHT HILL, TIMOTHY
SCHOPMEYER
7/20/1994 SUBPOENA FOR WITNESS ISSUED TO
PREPAID WITNESS KAREN HUDSON
7/20/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED BY FOREIGN SHERIFF
CLERMONT COUNTY SERVED KAREN HUDSON
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
JAMIE WRIGHT
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
PATRICIA CARR
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
SANCHEZ LEE

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7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
LASHAWADA LEE
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLARENCE CODY
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
RICHARDO LEE
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANDRE GRIFFIN
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLEMY LEE
7/21/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ROBERT WILLIAMS
7/22/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
DWIGHT HILL
7/22/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED BY FOREIGN SHERIFF
CLERMONT COUNTY SERVED KAREN HUDSON
7/25/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
NATALIE LEE
7/25/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANITA ARTIS
7/25/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
TIMOTHY SCHOPMEYER
7/25/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ARLENE BENNETT
7/25/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
KENNETH TAYLOR
7/28/1994 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
DANTOINE POSEY
8/11/1994 STATE'S RESPONSE TO DEFENDANT'S DEMAND
FOR DISCOVERY
8/11/1994 MOTION
WITHDRAWING DEFENDANT'S REQUEST FOR
THREE JUDGE PANEL AND REQUESTING A
TRIAL BY JURY
157 8/11/1994 ENTRY WITHDRAWING
REQUEST FOR THREE JUDGE PANEL &
REQUESTING JURY TRIAL
18 8/16/1994 ENTRY APPOINTING APPELLATE COUNSEL
ELIZABETH E AGAR
23 8/16/1994 ENTRY GRANTING
DISMISSAL & STAY TOLLING TIME FOR
PURPOSES OF APPEAL
8/16/1994 DOCKET STATEMENT FILED
C940652
8/16/1994 NOTICE OF APPEAL FILED
NO C940652 COPY SENT TO HAMILTON
COUNTY PROSECUTOR
64 8/16/1994 APPLIC REQUESTING PERMISSION TO
BROADCAST,TELEWISE,PHOTO , RECORD
COURTROOM PROCEEDINGS
CINTI POST
127 8/16/1994 ENTRY OF CONTINUANCE
8/16/94
9/14/1994 COURT OF APPEALS OF HAMILTON COUNTY
CASE NO
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10/27/1994 APPLICATION FOR PAYMENT OF MITIGATION
SPECIALIST
9 11/02/1994 ENTRY
10 11/02/1994 ENTRY
4/26/1995 JUDGMENT ENTRY & OPINION REVERSING
JUDGMENT & REMANDING TO TRIAL COURT
(C940652 4/26/95 #2)
430 5/01/1995 ENTRY OF CONTINUANCE
8/21/95
23 5/04/1995 ENTRY
APPOINTING COUNSEL FOR SUPREME COURT
APPEAL
127 7/26/1995 ENTRY OF CONTINUANCE
10/23/95
508 8/03/1995 SUPREME COURT OF OHIO ENTRY DENIES
LEAVE FOR APPEAL & APPEAL IS DISMISSED
8/24/1995 SUBPOENA FOR WITNESS ISSUED TO
NATALIE LEE, ANDRE GRIFFIN RETHA LEE,
RICARDO LEE CLEMY LEE, CLARENCE CODY
LASHAUNDA LEE, SANCHEZ LEE PATRICIA
CARR, PATRICIA CARR ANITA ARTIS,
DANTOINE POSEY JAMIE WRIGHT, TIMOTHY
SCHOPMEYER
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
NATALIE LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
JAMIE WRIGHT
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANDRE GRIFFIN
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
SANCHEZ LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLEMY LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
LASHAUNDA LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLARENCE CODY
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
RICARDO LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
RETHA LEE
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
PATRICIA CARR
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANITA ARTID
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
DANTOINE POSEY
8/24/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
TIMOTHY SCHOPMEYER
9/25/1995 SUBPOENA FOR WITNESS ISSUED TO
PATRICIA CARR JAMIE WRIGHT TIMOTHY
SCHOPMEYER SANCHEZ LEE LASHAUNDA LEE
CLARENCE CODY RICARDO LEE ANDRE GRIFFIN
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
JAMIE WRIGHT
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
SANCHEZ LEE

A P P E A R A N C E D O C K E T

9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
ANDRE GRIFFIN
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
CLARENCE CODY
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
LASHAUNDA LEE
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
RICARDO LEE
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
PATRICIA CARR
9/26/1995 SUBPOENA FOR WITNESS RETURNED AND
ENDORSED
TIMOTHY SCHOPMEYER
172 10/24/1995 ENTRY REQUESTING OFFICIAL STENOGRAPHER
175 10/24/1995 CAUSE PROGRESSED
1ST DAY, JURY SELECTION IN PROGRESS
TESTIMONY ADDUCED IN PART & CONT'
UNTIL 10/25/95
310 10/25/1995 ORDER
FOR JURY TO VIEW PREMISES
386 10/25/1995 JURY IMPANELED AND SWORN
ON VOIR DIRE JURY IMPANELED & SWORN
387 10/25/1995 CAUSE PROGRESSED
2ND DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 10/26/95
457 10/26/1995 CAUSE PROGRESSED
3RD DAY CONTINUED TO 10/27/95
259 10/27/1995 CAUSE PROGRESSED
4TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 10/30/95
10/30/1995 DEFENDANT'S REQUEST FOR ADDITIONAL
INSTRUCTION
341 10/30/1995 CAUSE PROGRESSED
5TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 10/31/95
168 11/01/1995 CAUSE PROGRESSED
6TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 11/1/95
231 11/01/1995 CAUSE PROGRESSED
7TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 11/2/95
93 11/02/1995 JURY VERDICT OF
GUILTY AGG BURLGARY CT 4 WE, THE JURY
FURTHER FIND THATTHE DEFT DID HAVE ON
OR ABOUT HIS PERSON, OR UNDER HIS
CONTROL, A FIREARM WHILE COMMITTING
THE OFFENSE OF AGG BURGLARY
95 11/02/1995 JURY VERDICT OF NOT GUILTY OF
AGG MURDER IN CT 3
96 11/02/1995 JURY VERDICT OF
GUILTY AGG MURDER CT 2 WE,THEJUEY
FIND THE DEFT NOT GUILTY OF AGG
CIRCUSTANCES AS SET FORTH IN SPEC NO 1
TO CT 2 TO WIT A COURSE OF CONDUCT
INVOLVING THE PURPOSEFUL KILLING OR
ATTPT TO KILL TWO OR MORE PERSONS WE,
THE JURY FIND THE DEFT GUILTY OF THE
AGG CIRCUMSTANCES AS SET FORTH
11/02/1995 IN SPEC 2 TO CT 2 TO WIT' THAT THE
DEFT AS THE PRINCIPALOFFENDER
COMMITTED THE OFFENSEOF AGG MURDER OF
CAROL ANN LEE O'NEAL WHILE THE DEFT
WAS COMMITTING OR ATTEMPTING TO COMMIT
OR FLEEING IMMEDIATELY AFTER
COMMITTING OR ATTEMPTINGTO COMMIT THE
OFFENSE OF AGG BURLGLARY WE, THE JURY

A P P E A R A N C E D O C K E T
11/02/1995 FURTHER FIND THAT THE DEFT DID HAVE ON
OR ABOUT HIS PERSON, OR UNDER HIS
CONTROL, A FIREARM WHILE COMMITTING
THE OFFENSE OF AGG MURDER IN CT 2
100 11/02/1995 JURY VERDICT OF
GUILTY AGG MURDER IN CT 1 WE, THE JURY
FURTHER FIND THE DEFT NOT GUILTY OF AGG
CIRCUMSTANCES SET FORTH IN SPEC 1 TO
CT 1 TO WIT, A COURSE OF CONDUCT
INVOLVING THE PURPOSEFUL KILLING OR
ATTEMPT TO KILL TWO OR MORE PERSONS BY
DEFT WE THE JURY FURTHER FIND DEFT
GUILTY OF THE AGG CIRCUMSTANCE
11/02/1995 AS SET FORTH IN CP 2 CT 1 TO WIT'
THAT THE DEFT AS THE PRINCIPAL
OFFENDER COMMITTED THE OFFENSE OF AGG
MURDER OF CAROL ANN LEE O'NEAL WHILE
THE DEFT WAS COMMITTING OR ATTEMPTING
TO COMMIT OR FLEE IMMEDIATELY AFTER
COMMITTING OR ATTEMPTING TO COMMIT THE
OFFENSE OF AGG BURGLARY WE
11/02/1995 THE JURY FURTHER FIND THAT THE DEFT DID
HAVE ON OR ABOUT HIS PERSON, OR UNDER
HIS CONTROL, A FIREARM WHILE
COMMITTING THE OFFENSE OF AGG MURDER IN
CT 1
114 11/02/1995 CAUSE PROGRESSED
8TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 11/6/95
200 11/02/1995 CASE CONT' IN PROGRESS UNTIL 11/6/95
201 11/02/1995 JUDGMENT OF ACQUITTAL OF VERDICT
*** CT 3 & SPEC TO CT 3 & SPEC 1 TO
EACH CTS 1 & 2 ONLY ***
136 11/06/1995 CAUSE PROGRESSED
9TH DAY, TESTIMONY ADDUCED IN PART &
CONT' UNTIL 11/8/95
131 11/08/1995 JURY VERDICT OF
CT 1 WAS FOUND GUILTY OF COMMITTING IS
SUFFICIENT TO OUTWEIGH THE MITIGATING
FACTORS PRESENT IN THIS CASE, & WE
THEREFORE RECOMMEND THAT THE SENT OF
DEATH TO BE IMPOSED
132 11/08/1995 JURY VERDICT OF
WAS FOUND GUILTY OF COMMITTING IS
SUFFICIENT TO OUTWEIGHT THE MITIGATING
FACTORS PRESENT IN THIS CASE, & WE
THEREFORE RECOMMEND THAT THE SENT OF
DEATH BE IMPOSED
158 11/08/1995 CAUSE CONCLUDED SENTENCE DEFERRED
UNTIL 12/11/95 REMANDED
255 11/21/1995 ENTRY
APPOINTMENT OF EXPERT AND PAYMENT OF
FEES FOR SAME
258 11/21/1995 ENTRY
AUTHORIZING APPOINTMENT OF EXPERT &
PAYMENT OF FEES FOR SAME
14 11/28/1995 ENTRY
AUTHORIZING APPOINTMENT OF EXPERT OF
PAYMENT OF FEES FOR SAME
233 11/29/1995 AMENDED ENTRY AUTHORIZING APPOINTMENT
OF EXPERT AND PAYMENT OF FEES FOR SAME
13 12/11/1995 JUDGMENT ENTRY SENTENCE
INCARCERATION
CT 1 AGG MURDER SENT DEATH CT 2 AGG
MURDER SENT DEATH CT 4 AGG BURGLARY
10 TO 25 YRS (10 YRS ACTUAL) 3 YRS ACTUAL
ON FIREARM SPEC IN CTS 1, 2, & 4
CONCURR W/EACH OTHER BUT CONSEC TO &
PRIOR TO UNDERLY SENT IN CTS 1, 2, & 4
CTS 1 & 2 CONCURR CT 4 CONSEC CTS 1 &
2 CREDIT 730 DYS PAY COSTS

TODAY'S DATE 12/12/2005
CASE B 9309022

HAMILTON COUNTY CLERK OF COURTS
COMMON PLEAS DIVISION
Criminal Appearance Report

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17 12/11/1995 ENTRY APPOINTING APPELLATE COUNSEL
DALE SCHMIDT & ELIZABETH AGAR

73 12/11/1995 ENTRY GRANTING
DEFT'S MOTIONS

75 12/11/1995 APPLIC REQUESTING PERMISSION TO
BROADCAST,TELEWISE,PHOTO , RECORD
COURTROOM PROCEEDINGS
WLWT-TV

97 12/11/1995 ENTRY OVERRULING
DEFT'S MOTIONS

12/14/1995 MOTION
FOR NEW TRIAL

64 12/18/1995 ENTRY DENYING
DEFT'S MOTION FOR NEW TRIAL

16 12/22/1995 OPINION

4/12/1996 MEMORANDUM IN SUPPORT OF MOTION FOR
NEW TRIAL

4/22/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

4/22/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

4/26/1996 CRIMINAL STATE COSTS SATISFIED

11 5/10/1996 ENTRY
RESETTING EXECUTION DATE FROM 5/30/96
TO 11/5/96

43 5/10/1996 ENTRY OVERRULING
MOTION FOR NEW TRIAL

5/22/1996 DOCKET STATEMENT FILED
C960392

5/22/1996 NOTICE OF APPEAL FILED
NO C960392 COPY SENT TO HAMILTON
COUNTY PROSECUTOR

101 6/10/1996 ENTRY
ALLOWING ADDITIONAL COMPENSATION

294 6/15/1996 ENTRY APPROVING COUNSEL FEES
\$12500

28 7/01/1996 ENTRY
ALLOWING ADDITIONAL COMPENSATION

42 7/20/1996 ENTRY APPROVING COUNSEL FEES
\$17000

8/19/1996 COURT OF APPEALS OF HAMILTON COUNTY
CASE NO
C-960392

9/30/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

9/30/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

10/29/1996 COMPLETE TRANSCRIPT OF PROCEEDINGS
VOLUMES I THRU V #C960392

10/30/1996 COMPLETE TRANSCRIPT OF PROCEEDINGS
(PRETRIAL MOTIONS) (2 VOLS) C960392

11/01/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

11/01/1996 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

1/03/1997 MOTION TO SUPPRESS C960392

5/13/1997 COMPLETE TRANSCRIPT OF PROCEEDINGS
#C960392

6/10/1997 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

7/02/1997 PETITION FOR POST-CONVICTION RELIEF
UNCER R C 2953 21

7/07/1997 MOTION
FOR EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING

173 7/07/1997 ENTRY
EXTENDING TIME UNTIL 9/25/97 TO FILE
RESPONSE TO POST- CONVICTION

9/03/1997 AMENDMENT TO PETITION FOR
POSTCONVICTION RELIEF UNDER R C
2953 21

TODAY'S DATE 12/12/2005

COMMON PLEAS DIVISION

PAGE 11

CASE B 9309022

Criminal Appearance Report

CMSR5155

A P P E A R A N C E D O C K E T

9/16/1997 MOTION TO DISMISS
PETITION TO VACATE

12/12/1997 JUDGMENT ENTRY AFFIRMING JUDGMENT OF
TRIAL COURT 12-03-97 #3 (C960392)

109 12/19/1997 ENTRY APPOINTING COUNSEL
FOR SUPREME COURT APPEAL
ELIABETH E AGAR & ROXANN DIEFFENBACH

1/08/1998 DEATH PENALTY CASE
NOTICE OF APPEARANCE OF POSTCONVICTION
COUNSEL

51 1/16/1998 ENTRY APPOINTING COUNSEL
FOR SUPREME COURT APPEAL
ELIZABETH AGAR COUNSEL & ROXANN
DIEFFENBACH CO-COUNSEL

1/26/1998 COPY OF NOTICE OF APPEAL TO THE
SUPREME COURT OF OHIO FILED ON 1/21/98
S C # 98-0147

213 2/17/1998 FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DISMISSING PETITION TO VACATE

3/18/1998 NOTICE OF APPEAL FILED
NO C980247 COPY SENT TO HAMILTON
COUNTY PROSECUTOR

3/18/1998 DOCKET STATEMENT FILED
C980247

4/20/1998 COURT OF APPEALS OF HAMILTON COUNTY
CASE NO
C-980247

8/27/1998 COPY OF NOTICE OF APPEAL OF APPELLANT
JAMES DERRICK O'NEAL FILED IN THE
SUPREME COURT OF OHIO ON 8/21/98
SC #98-1735

3/26/1999 JUDGMENT ENTRY & DECISION
AFFIRMING JUDGMENT OF TRIAL
COURT (C980247 3/26/99 #114)

5/14/1999 COPY OF NOTICE OF APPEAL OF APPELLANT
JAMES DERRICK O'NEAL, FILED IN THE
SUPREME COURT OF OHIO ON 5/10/99
SC#99-906

2/18/2000 COPY OF RECONSIDERATION ENTRY DENYING
MOTION, FILED IN THE SUPREME COURT OF
OHIO ON 2/16/00 SC#98-147

2/18/2000 COPY OF JUDGMENT ENTRY, FILED IN THE
SUPREME COURT OF OHIO ON 1/5/00
SC#98-147

2/18/2000 COPY OF MANDATE, FILED IN THE SUPREME
COURT OF OHIO ON 2/18/00 SC#98-147

2/22/2000 COPY OF ENTRY GRANTING STAY OF
EXECUTION, FILED IN THE SUPREME COURT
OF OHIO ON 2/17/00 SC#98-147

3/24/2000 COPY OF ENTRY DISMISSING APPEAL, FILED
IN THE SUPREME COURT OF OHIO ON 3/8/00
SC#99-906

3/24/2000 COPY OF JUDGMENT ENTRY AFFIRMING
JUDGMENT OF THE COURT OF APPEALS,
FILED IN THE SUPREME COURT OF OHIO ON
3/8/00 SC#98-1735

3/24/2000 COPY OF MANDATE TO THE COURT OF APPEAL
OF HAMILTON COUNTY, OHIO TO CARRY
JUDGMENT TO EXECUTION, FILED IN THE
SUPREME COURT OF OHIO ON 3/8/00
SC#98-1735

5/15/2000 RECEIPT OF RECORD OPX
1 CASE FILE

5/15/2000 RECEIPT OF RECORD OPX
1 BOX AND 1 POSTER

5/15/2000 RECEIPT OF EXHIBITS
3 MANILLA ENVELOPES
RECEIVED BY JERRY COSTA

11/15/2002 FIRST SUCCESSIVE PETITION TO VACATE OR
SET ASIDE JUDGMENT AND/OR SENTENCE
PURSUANT TO OHIO REVISED CODE SECTIONS
2953 21 AND 2953 23

TODAY'S DATE 12/12/2005

COMMON PLEAS DIVISION

PAGE 12

CASE B 9309022

Criminal Appearance Report

CMSR5155

A P P E A R A N C E D O C K E T

11/25/2002 MOTION
TO EXTEND TIME TO FILE A RESPONSE TO
DEFENDANT'S SUCCESSIVE PETITION TO
VACATE

242 11/26/2002 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
12/30/02

212 12/10/2002 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
DECEMBER 30,2002

12/30/2002 MOTION
TO EXTEND TIME TO FILE A RESPONSE TO
DEFENDANT'S SUCCESSIVE PETITION TO
VACATE

165 1/07/2003 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
2/3/03

2/03/2003 MOTION
TO EXTEND TIME TO FILE A RESPONSE TO
DEFENDANT'S SUCCESSIVE PETITION TO
VACATE

247 2/04/2003 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
2/17/03

3/03/2003 MOTION
TO EXTEND TIME TO FILE A RESPONSE TO
DEFENDANT'S SUCCESSIVE PETITION TO
VACATE

346 3/04/2003 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
MARCH 21,2003

4/24/2003 MOTION
TO EXTEND TIME TO FILE A RESPONSE TO
DEFENDANT'S SUCCESSIVE PETITION TO
VACATE

243 5/08/2003 ENTRY GRANTING
ADDITIONAL TIME TO FILE RESPONSE UNTIL
5/21/03

6/03/2003 MEMORANDUM IN OPPOSITION TO FIRST
SUCCESSIVE PETITION TO VACATE JUDGMENT
OR SENTENCE

6/03/2003 MOTION
TO ACCEPT RESPONSE OF PLAINTIFF
INSTANTER

6/10/2003 DEFENDANT-PETITIONER'S REPLY
MEMORANDUM IN RESPONSE TO THE
PLAINTIFF'S MEMORANDUM IN OPPOSITION

281 4/07/2004 ENTRY OVERRULING
MOTION FOR FUNDING MENTAL RETARDATION
EXPERT AND DISCOVERY

282 4/07/2004 FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ENTRY DISMISSING SUCCESSIVE
PETITION FILED PURSUANT TO ATKINS V
VIRGINIA

4/08/2004 NOTICE OF APPEALABLE JUDGMENT SENT BY
ORDINARY MAIL TO ALL PARTIES ENTITLED
TO A COPY

5/07/2004 PRAECIPE OF DEFENDANT -APPELLANT
JAMES DERRICK O'NEAL

5/07/2004 NOTICE OF APPEAL FILED
NO C040286 COPY SENT TO HAMILTON
COUNTY PROSECUTOR

6/22/2004 COURT OF APPEALS OF HAMILTON COUNTY
CASE NO
C040286

8/13/2004 ENTRY DISMISSING APPEAL BY AGREEMENT
AND WITHOUT PREJUDICE AND REMANDING
CASE TO TRIAL COURT FOR EVIDENTIARY
HEARING
C-040286
IMAGE# 57
08/13/2004

TODAY'S DATE 12/12/2005

COMMON PLEAS DIVISION

PAGE 13

CASE B 9309022

Criminal Appearance Report

CMSR5155

A P P E A R A N C E D O C K E T

116 (254) 10/14/2004 ***COPY SENT TO DOC AND DEFENDANT ON
08/24/04, RSR***
ENTRY OF CONTINUANCE
1/19/05

2 (253) 10/15/2004 ENTRY ORDERING
RETURN OF DEFT FOR COURT PROCEEDINGS

468 (256) 10/15/2004 ENTRY
APPOINTING COURT CLINIC FORENSIC
SERVICES FOR EXAMINATION

(257) 1/27/2005 REPORT OF EXAMINER PURSUANT TO LAW
REPORT LOCATED IN CLERK OF COURTS
OFFICE RM 315

2 (258) 4/06/2005 ENTRY ORDERING
RETURN OF INMATE FOR HEARING

(259) 5/17/2005 NOTICE OF CHANGE OF ADDRESS OF COUNSEL
FOR DEFENDANT

(260) 5/31/2005 CLERK'S TRANSCRIPT FEE FOR AN INDIGENT
DEFENDANT - FILED

(261) 6/07/2005 PETITIONER JAMES O'NEAL'S POST-HEARING
BRIEF

(262) 6/14/2005 POST-ATKINS HEARING BRIEF

12 (263) 9/26/2005 DECISION DENYING DEFT'S MOTION TO
VACATE OR SET ASIDE HIS DEATH SENTENCE

9/26/2005 NOTICE OF APPEALABLE JUDGMENT SENT BY
ORDINARY MAIL TO ALL PARTIES ENTITLED
TO A COPY

11 (264) 10/12/2005 ENTRY ORDERING
RETURN OF INMATE TO INSTITUTION

(265) 10/24/2005 NOTICE OF APPEAL FILED
NO C050840 COPY SENT TO HAMILTON
COUNTY PROSECUTOR

(266) 10/25/2005 AFFIDAVIT OF INDIGENCY

(267) 10/25/2005 PRAECIPE OF DEFENDANT- APPELLANT
JAMES DERRICK O'NEAL

(268) 12/02/2005 COMPLETE TRANSCRIPT OF PROCEEDINGS
C-050840
1 VOL

IN THE COURT OF APPEALS OF OHIO
FIRST APPELLATE DISTRICT
HAMILTON COUNTY



STATE OF OHIO,

Respondent-Appellee,

APPEAL NO C-050840

v

TRIAL NO B-939022

JAMES DERRICK O'NEAL,

Petitioner-Appellant

MOTION OF APPELLANT FOR
EXTENSION OF TIME TO FILE BRIEF

Petitioner-Appellant James O'Neal moves the Court pursuant to Rule 14(B) of the Ohio Rules of Appellate Procedure for an order granting him an extension of time to and including February 15, 2006 in which to file his brief. The reasons for this motion are contained in the following memorandum in support

Respectfully submitted,

JOHN J. GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 888-9866

FILED
COURT OF APPEALS

JAN 25 2006

and

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY

MICHAEL W. KRUMHOLTZ (0009099)
(Co-Counsel)
Bieser, Greer & Landis, LLP
6 North Main Street, Suite 400

FILED

2006 JAN 25 P 2:25

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY OH

Dayton, Ohio 45402-1908
(937) 223-3277

COUNSEL FOR DEFENDANT-
APPELLANT

MEMORANDUM IN SUPPORT

This is an appeal from the trial court's denial, following an evidentiary hearing, of Appellant Derrick O'Neal's petition for postconviction relief under R.C. 2953.21 *et seq.* asking the trial court to vacate or set aside his sentence of death based on Atkins v. Virginia (2002), 536 U.S. 304, 122 S.Ct. 2242, and on State v. Lott (2002), 97 Ohio St.3d 303, 2002-Ohio-6625, 779 N.E.2d 1011.

On November 3, 2005 the Court issued an accelerated calendar scheduling order. Appellant O'Neal's brief is presently due on January 25, 2006.

Appellant is filing contemporaneously with this motion for an extension of time a motion for a page limit extension from 15 pages to 35 pages. Appellant requests this extension of time pending the Court's decision on the motion for a page limit extension as well as to prepare Appellant's brief of the amount of pages that this Court determines.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John J. Gideon", is written over a horizontal line.

JOHN J. GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 888-9866

and

Michael W. Krumholtz by John Gideon

MICHAEL W. KRUMHOLTZ (0009099)

(Co-Counsel)

Bieser, Greer & Landis, LLP

6 North Main Street, Suite 400

Dayton, Ohio 45402-1908

(937) 223-3277

COUNSEL FOR DEFENDANT-
APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion Of Appellant For An Extension Of Time To File Brief was served on Joe Deters, Hamilton County Prosecuting Attorney, and Philip R. Cummings, Assistant Prosecuting Attorney, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202-2174, by regular United States Mail, postage prepaid, on this 24th day of January, 2006

John J. Gideon

JOHN J. GIDEON (0008151)

Counsel for Appellant



IN THE COURT OF APPEALS OF OHIO
FIRST APPELLATE DISTRICT
HAMILTON COUNTY

STATE OF OHIO,

Respondent-Appellee,

APPEAL NO C-050840

v

TRIAL NO B-939022

JAMES DERRICK O'NEAL,

Petitioner-Appellant

MOTION OF APPELLANT FOR
A PAGE LIMIT EXTENSION

Petitioner-Appellant James O'Neal moves the Court for an order granting extending the page limitation in this matter from 15 pages to 35 pages. The reasons for this motion are contained in the following memorandum in support

FILED

2006 JAN 25 P 2 26

GREGORY HARTMANN
CLERK OF COURTS
HAM CNTY OH

Respectfully submitted,

JOHN J. GIDEON (0008151)

(Trial Attorney)

250 East Stanton Avenue

Columbus, Ohio 43214-1268

(614) 888-9866

and

FILED
COURT OF APPEALS

JAN 25 2006

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY

MICHAEL W. KRUMHOLTZ (0009099)

(Co-Counsel)

Bieser, Greer & Landis, LLP

6 North Main Street, Suite 400

Dayton, Ohio 45402-1908

(937) 223-3277

COUNSEL FOR DEFENDANT-
APPELLANT

MEMORANDUM IN SUPPORT

This is an appeal from the trial court's denial, following an evidentiary hearing, of Appellant Derrick O'Neal's petition for postconviction relief under R C 2953.21 *et seq* asking the trial court to vacate or set aside his sentence of death based on Atkins v Virginia (2002), 536 U S 304, 122 S Ct 2242, and on State v Lott (2002), 97 Ohio St 3d 303, 2002-Ohio-6625, 779 N.E.2d 1011.

On November 3, 2005 the Court issued an accelerated calendar scheduling order. Appellant O'Neal's brief is presently due on January 25, 2006.


Under Local App R 12(4) briefs filed in cases on the accelerated calendar may not exceed fifteen (15) pages. Appellant is having extreme difficulty preparing a brief that adequately addresses the issues in 15 pages and requests a page limit extension to 35 pages.

This case is a death penalty case. The decision of the trial court denying Appellant's motion to vacate his death sentence based on his mental retardation is 11 pages long. The decision followed an evidentiary hearing. Appellant filed a post-hearing brief of 24 pages. The case involves complex factual and legal issues. The issues presented are significant and cannot adequately be addressed in a 15 page brief.

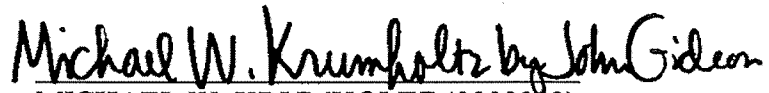
Appellant believes that Appellee should be granted an equal number of pages to respond.

For these reasons Appellant respectfully requests that the page limitation on the briefs in this case be extended to 35 pages.

Respectfully submitted,


JOHN J GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 888-9866

and

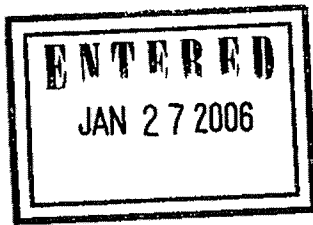

MICHAEL W KRUMHOLTZ (0009099)
(Co-Counsel)
Bieser, Greer & Landis, LLP
6 North Main Street, Suite 400
Dayton, Ohio 45402-1908
(937) 223-3277

COUNSEL FOR DEFENDANT-
APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion Of Appellant For Page Limit Extension was served on Joe Deters, Hamilton County Prosecuting Attorney, and Philip R Cummings, Assistant Prosecuting Attorney, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202-2174, by regular United States Mail, postage prepaid, on this 24th day of January, 2006


JOHN J GIDEON (0008151)
Counsel for Appellant



IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO

APPEAL NO. C-050840

Appellee,

vs

ENTRY EXTENDING TIME TO
FILE APPELLANT'S BRIEF UNTIL

JAMES DERRICK O'NEAL

Appellant



This cause came on to be considered upon the motion of the appellant filed herein to extend time to file his brief

The Court upon consideration thereof finds that the motion is well taken and is granted

Wherefore, it is the Order of this Court that the appellant shall have until February 15, 2006 to file appellant's brief

To The Clerk: **2**

Enter upon the Journal of the Court on JAN 27 2006 per order of the Court.

By: *Lee H. Hildebrand*
Presiding Judge *MC*

CASE NO	JUDGE	PLAINTIFF	DEFENDANT	SENT NOTICE TO
C 0500840	902	STATE OF OHIO	JAMES DERRICK ONEAL	JOHN JOSEPH GIDEON 250 EAST STANTON AVE COLUMBUS OH 43214-1268
C 0500840	902	STATE OF OHIO	JAMES DERRICK ONEAL	HAMILTON COUNTY PROSECUTOR 230 E NINTH ST, ROOM 7000 CINCINNATI OH 45202

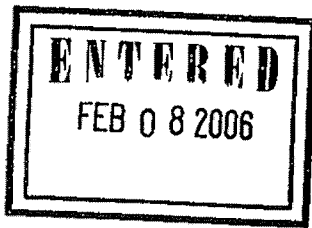
FILED
COURT OF APPEALS

JAN 30 2006

GREDDY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY



D66975895



IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO



STATE OF OHIO

APPEAL NO. C-050840

Appellee,

vs

ENTRY GRANTING MOTION TO
ENLARGE PAGE LIMITATION FOR
APPELLANT'S BRIEF AND
EXTENDING TIME FOR BRIEFS

JAMES DERRICK O'NEAL

Appellant

This cause came on to be considered upon the motion of the appellant filed herein
extending the page limitation for briefs

The Court, upon consideration thereof, finds that the motion is well taken and is
hereby granted

The Court hereby enlarges the page limitation to 35 pages for both the appellant's
brief and the appellee's brief

The Court *sua sponte* extends the time for filing briefs as follows.

- (1) the appellant's brief shall be filed on or before March 8, 2006, and
- (2) the appellee's brief shall be filed on or before April 7, 2006

To The Clerk:

Enter upon the Journal of the Court on FEB - 8 2006 per order of the Court.

By: 
Presiding Judge

(Copies sent to all counsel)

CASE NO	JUDGE	PLAINTIFF	DEFENDANT	SENT NOTICE TO
C 0500840	902	STATE OF OHIO	JAMES DERRICK ONEAL	JOHN JOSEPH GIDEON 250 EAST STANTON AVE COLUMBUS OH 43214-1268
C 0500840	902	STATE OF OHIO	JAMES DERRICK ONEAL	HAMILTON COUNTY PROSECUTOR 230 E NINTH ST, ROOM 7000 CINCINNATI OH 45202

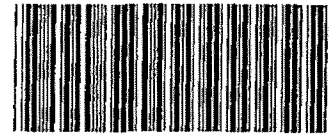
FILED
COURT OF APPEALS

FEB 10 2006

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY



D67142587



IN THE COURT OF APPEALS OF OHIO
FIRST APPELLATE DISTRICT
HAMILTON COUNTY

D67581817

STATE OF OHIO,

Respondent-Appellee,

APPEAL NO. C-050840

v.

TRIAL NO. B-939022

JAMES DERRICK O'NEAL,

Petitioner-Appellant.

MOTION OF APPELLANT FOR
EXTENSION OF TIME TO FILE BRIEF

Petitioner-Appellant James O'Neal moves the Court pursuant to Rule 14(B) of the Ohio Rules of Appellate Procedure for an order granting him an extension of time to and including March 22, 2006 in which to file his brief. The reasons for this motion are contained in the following memorandum in support.

Respectfully submitted,

per telephone authorization of 3/13/06
JOHN J. GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 844-3954

and

Michael W. Krumholtz
MICHAEL W. KRUMHOLTZ (0009099)
(Co-Counsel)
Bieser, Greer & Landis, LLP
6 North Main Street, Suite 400
Dayton, Ohio 45402-1908
(937) 223-3277
COUNSEL FOR DEFENDANT-
APPELLANT

FILED
COURT OF APPEALS

MAR 15 2006

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY

2006 MAR 15 A 10:31

FILED

MEMORANDUM IN SUPPORT

This is an appeal from the trial court's denial, following an evidentiary hearing, of Appellant Derrick O'Neal's petition for postconviction relief under R.C. 2953.21 *et seq.* asking the trial court to vacate or set aside his sentence of death based on Atkins v. Virginia (2002), 536 U.S. 304, 122 S.Ct. 2242, and on State v. Lott (2002), 97 Ohio St.3d 303, 2002-Ohio-6625, 779 N.E.2d 1011.

On November 3, 2005 the Court issued an accelerated calendar scheduling order. Pursuant to that schedule Appellant O'Neal's brief was due on January 25, 2006.

On that date Appellant O'Neal filed a motion asking the Court to extend the page limitation to 35 pages. Appellant simultaneously filed a motion requesting an extension of time for the filing of his brief pending the Court's decision on Appellant's motion to extend the page limitation.

On January 27, 2006 the Court granted Appellant's motion for an extension of time to file his brief until February 15, 2006.

Then, by entry filed on February 8, 2006, the Court granted Appellant's motion to extend the page limitation and granted Appellant until March 8, 2006 to file his brief.

The undersigned trial attorney, with the assistance of co-counsel, is preparing Appellant's brief. Unfortunately, the undersigned trial attorney developed a severe sinus infection, with congestion, sore throat, and fever, on March 5, 2006. This personal illness continued, and worsened, throughout the ensuing week. This illness prevented counsel from filing Appellant's brief on March 8. Although trial counsel has not yet fully recovered from his illness, he has sufficiently recovered to make this request for an additional extension of time to and including March 22, 2006 in which to file Appellants' brief.

Respectfully submitted,

per telephone authorization
JOHN J. GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, Ohio 43214-1268
(614) 888-9866

and

Michael W. Krumholtz
MICHAEL W. KRUMHOLTZ (0009099)
(Co-Counsel)
Bieser, Greer & Landis, LLP
6 North Main Street, Suite 400
Dayton, Ohio 45402-1908
(937) 223-3277

COUNSEL FOR DEFENDANT-
APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion Of Appellant For An Extension Of Time To File Brief was served on Joe Deters, Hamilton County Prosecuting Attorney, and Philip R. Cummings, Assistant Prosecuting Attorney, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202-2174, by regular United States Mail, postage prepaid, on this 13th day of March, 2006.

.motionforextensionoftimetofilebrief-Mar06-ca

John J. Gideon
JOHN J. GIDEON (0008151)
Counsel for Appellant